Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Office Action Summary	**Application No.** 09/437,833	**Applicant(s)** COOK ET AL.
		Examiner M. Irshadullah	**Art Unit** 3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/01/2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35,44-52 and 56-59* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35, 44-52 and 56-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to the correspondence filed November 01,

2005.

Summary Of Instant Office Action

2.   Applicant's arguments regarding claims 1-35 and 44-52 rejected under U.S.C.

103, Office Action mailed July 30, 2004 have been fully considered and are responded

below.

3.   Amendments to claims 1, 8, 16, 19, 25, 31, 44, 49 and new claims 56-59 have

been entered.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-3, 5, 6, 16-21, 23, 25-35, 44, 46-48 and 49-52 are rejected under 35

U.S.C. 103(a) as being unpatentable over Castonguay et al (US Patent 5,911,134) in

view of Security System minimizes baggage, February 02, 1195. Hereinafter referred to

as "Security".

Castonguay et al teach:

Claim 1.   An system for maintaining and distributing a plurality of respective

work schedules generated on behalf of at least one manager supervising a plurality of

workers, and for enabling ones of the workers to initiate changes to their own respective

work schedules after the work schedules are distributed to the workers, the system

comprising at least the following:

a) a schedule generator configured to generate data representing the plurality of

respective work schedules for the plurality of workers (Fig. 3 {37}, col. 7, lines 11-12,

Fig. 4 {54}, col. 8, lines 17-19, col. 5, lines 57-61, wherein "a generate schedules routine

54" is a "schedule generator" which generates schedules relating to "every individual or

respective work schedules of workers");

b) a database in communication with said schedule generator for storing said

work schedule data (Fig. 4 {56 and 54}, col. 8, lines 17-19, wherein cited "54" is a

"schedule generator" communicating with cited "schedules database" the database

storing said "schedules or work schedule data"); and

In the following element:

c) at least one employee interface positioned at least one location within a work

environment, wherein said at least one employee interface is in communication with

said schedule generator and is configured to display data representing respective ones

of the work schedules to corresponding ones of the workers, is adapted to enable at

least a first ones of the workers to post at least a portion of his or her own respective

work schedule for acceptance by a second one of the workers after the work schedules

are distributed to the workers, and is further adapted to enable the first worker to set a

post period parameter associated with the post portion of his or her work schedule,

wherein the post period parameter specifies how long the posted portion of the work

schedule is made available for acceptance by the second worker.

Castonguay et al teach:

at least one employee interface positioned at least one location within a work

environment **(Fig. 1 {24 and 22a-22n} described col. 5, line 55 through col. 6, line**

15, wherein cited "work stations 24" indicating "one or at least one employee

interface" situated or positioned at any of MU's 22a-22n, said MU's representing

"work environment"), wherein said at least one employee interface is in

communication with said schedule generator and is configured to display work schedule

data **(Fig. 1 {24 in 22a-22n communicating with 16 or 18 in 12 and 14}, col. 5, lines**

39-57, Fig. 4 {24 interacting with 54, 56 via bidirectional arrow}) representing

respective ones of the work schedules to corresponding ones of the workers **(as**

discussed in a) above).

Castonguay et al do not teach:

enabling at least a first ones of the workers to initiate at least one change to his

or her own respective work schedules after the work schedules are distributed to the

workers.

However, Security teaches the same (Page 2, lines 15-60, wherein cited "who or which staff or employees altering their hours, line 19", "staff booking their leaves or swapping shifts, line 47" and "system's computers, PCs etc., networked together, lines 59-60" indicating security system's provisioning input/output and communication means including software, such as windows, and hardware like keyboard, mouse, monitor displays, LAN, Wan etc., which means "allowing or enabling some of the employees or at least first one of staff or employees or workers to enter information, such as alterations, booking leaves, swapping {requests}, in their work rosters or schedules or part or portion thereof and transmitting the information via the networked computers to the display monitors of other employees {posting at least a portion of his or her own work schedule} and aforementioned employees or workers posting above discussed portion of their work roster or schedule occurring on or after receiving the work roster or schedule 12 months earlier {after distributing work schedules}, as indicated by: workers or employees "knowing their work rosters or schedules and work areas 12 months in advance, lines 57-58". While Castonguay et al provide planning and scheduling personnel, Security teaching a system allowing employees access to the host (page 2, lines 59-60) to input, altering or modifying data relative to their work shifts or schedules automatically without needing any communication, contact or interaction with any one of other employees including management. Both are analogous.

It would have been obvious to one of ordinary in the relevant art at the time of Applicant's invention to incorporate Security's features into Castonguay et al's invention, because the combination would provide a system allowing the particular employees

remote access to receive schedule for them, modifying or making changes on their own

without any contact or communication with other fellow workers or management.

Castonguay et al and Security do not teach:

   i) second employee accepting {the posted schedule portion, as discussed

above},

   ii) setting a post period parameter associated with the posted portion of the work

schedule, the posted period parameter denoting {specifying} a time limit for response by

{how long the posted potion is available to} other employees.

   i) Official notice is taken that worker or employee submitting a request by an

employee to another employee, such as shift or team supervisor {Castonguay et al: col.

12, line 67-col. 13, line 3}, for some action, such as approving {acceptance}, is an old

and well known practice in a business organization art.

   ii) Official notice is taken that posting a message with a time limit for response is

an old and well known feature in business art.

It would have been obvious to one of ordinary skill in the relevant art at the time of

instant invention, to include above discussed features into the combination of Security

and Castonguay et al's invention, because submitting a request to and obtaining an

affirmative response from an authorized approving entity is an essential requisite in any

organization.

   Claim 2.   The system of Claim 1 wherein said work schedule data comprises

data regarding employee work schedules that are not generated around one or more

predetermined work shifts (Castonguay et al: Col. 2, lines 50-53, col. 8, lines 12-14 and

15-19).

Claim 3.   The system of Claim 1, wherein the employee interface is adapted

to enable the workers to initiate changes to their work schedules without action by the at

least one manager (Castonguay et al: Col. 2, lines 63-67, col. 4, lines 1-3, wherein

"revising" inferring "enable ones of the workers to initiate changes" to agents' or

workers' above discussed schedule or work schedule. Moreover, "agent workstations"

inferring that agents would effect revision or

changes to their schedules via their workstations and would use the same functions and

the system with their requisite privileges as is evident from the recitation of col. 13, lines

1-10, which clearly infers that agents are capable of performing actions including

revising or changing to their schedules on their own {without action by a manager}).

Claim 5.   The system of Claim 1 further including a remote user interface in

communication with said database to facilitate access by a remote user (Castonguay et

al: Fig. 1 {24 in 22a-22n communicating with 16 or 18 in 12 or 14} and col. 5, lines 64-

66).

Claim 6.   The system of Claim 1 wherein said employee interface comprises

a networked computer having software to facilitate access to said work schedule data

(Castonguay et al: Fig. 1 {24 in 22a-22n networked with 12 via 26a-26n}, col. 6, lines 8-

15).

Claim 16.   A method for distributing a work schedule to employees and thereafter enabling the employees to at least initiate at least one modification to a previously distributed work schedule, the method comprising at least the following: In the following element:

a) storing data representing the previously distributed work schedule in a database, wherein said data defines the work schedules of a plurality of employees;

Castonguay et al teach:

storing data in a database, wherein said data defines the work schedules of a plurality of employees (Fig. 4 {56}, col. 8, lines 17-19), wherein said data defines the work schedules of a plurality of employees (Fig. 3 {27, 33, 35, 37}, described col. 6, lines 37-40, col. 7, lines 5-12, col. 7, lines 57-63 read with col. 5, lines 57-61. The cited "agents" are employees or servers (Col. 1, lines 66-67 read with lines 17-18) and "team" points to plurality of agents (employees).

Castonguay et al do not teach:

(data) representing the previously distributed work schedule.

However, Security teaches the same (Page 2, lines 56-58, wherein cited employees knowing their shifts and work areas or schedules 12 months in advance indicating information or data relative to said shifts and work areas or schedules is "already or previously provided or distributed" to employees). While Castonguay et al provide planning and scheduling personnel, Security teaching a system allowing employees access the host to input data or modify their schedule without needing any

communication, contact or interaction with any one of other employees. Two are

analogous.

It would have been obvious to one of ordinary skill in the relevant art at the time of

applicant's invention to include Security's feature into Castonguay et al's invention,

thereby entailing a system which would allow agents, workers or employees remote

access to receive shifts or scheduling information or schedules and take further actions,

such as plan their after work activities including working available overtime or

requesting requisite number (more or less) of work hours etc..

In the following element:

　　　b) providing employee access to said work schedules at one or more terminals at

one or more locations within a place of business;

Castonguay et al teach:

　　　work schedules (Fig. 4 {56 to 24}, col. 2, lines 59-63 and 64),

　　　agents {employee} workstations (Col. 5, lines 46-47) located at one or more

locations within a place of business (Col. 3, lines 41-45 and col. 5, lines 61-63 and 63-

64). Cited agent workstations or terminals are part of MU {agent groups} and are within

the call center {business} locations {local or remote}).

Castonguay et al do not explicitly teach:

　　　employees access (work schedules).

However, Security teaches the same (Page 2, lines 50-52, wherein employees swiping

Smart card, entering pin and accessing their files indicating "employees accessing files

encompassing work shifts or schedules). While Castonguay et al provide planning and

scheduling personnel, Security teaching a system allowing employees access the host

to input data or modify their schedule without needing any communication, contact or

interaction with any one of other employees. Both are analogous.

It would have been obvious to one of ordinary skill in the relevant art at the time of

Applicant's invention to incorporate Security's feature into Castonguay et al's invention,

because the combination would provide a system allowing the particular employees

remote access to receive schedule for them, modify or make changes on their own

without any prior contact or communication with other fellow workers or management.

In the following element:

c) creating opportunities for at least a first one of the employees to at least initiate

at least one modification of his or her own respective work schedule by posting at least

a portion of his or her work schedule for acceptance by at least a second one of the

employees;

Castonguay et al teach:

(System) enable {creating opportunities for} supervisors {at least first one the

employees, since supervisors are also considered as employees} to revise and modify

{initiate at least one modification including their own} schedules (Col. 2, lines 64-66 and

col. 16, lines 13-15).

Castonguay et al do not explicitly teach:

acceptance by employees {second one}, and

However, Security teaches the same (Page 2, lines 46-60, wherein cited requesting "swapping shifts" pointing to two consequences, either some of the employee or worker accepting the swapping request or it remaining unaccepted; i.e., swapping encompassing "acceptance" by "another or second one" of the employees. While Castonguay et al provide planning and scheduling personnel, Security teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees. Both are analogous.

It would have been obvious to one of ordinary skill in the relevant art at the time of instant invention to incorporate Security's features into Castonguay et al's, because the combination would provide a system allowing the particular employees remote access to receive schedule for them, modifying or making changes them on their own without any contact or communication with any of the other one including fellow workers or management.

d) enabling the first employee to set a post parameter associated with the posted portion of his or her work schedule, wherein the post period parameter specifies how long the posted portion of the work schedule is made available for acceptance by the second employee (See discussion of Applicant's claim 1c) above).

e) transmitting (Castonguay et al: Fig. 1 {5ESS Switch ACD communicating with MIS database 16 via 14 and central computer 12 communicating with 22a-22n via 26a-26n) described col. 5, lines 41-49, 55-56 recited with col. 6, lines 13-15 and Fig. 4) said opportunities to said one or more terminals (as discussed in b) above), wherein at said

one or more terminals at least the second one of the employees would access their own

respective work schedule to accept at least the portion of the previously distributed work

schedule posted by the first one of the employees, thereby enabling both the first one

and the second one of the employees at least to initiate at least one modification of

their own respective work schedules (See discussion of Applicant's claim 1c) above)).

In the following claim:

Claim 17.   The method of Claim 16, further comprising evaluating whether the

second one of the employees is qualified to accept the portion of the work schedule

posted by the first one of the employees.

Castonguay et al do not teach the above feature.

However, Security teaches the same (Page 2, lines 30-36, wherein cited system telling

which rule is broken, system providing list of potential employees with right skills when

extra staffing is needed indicating the availability of "determining or evaluating" function

in the reference system, which a user would use for claimed purpose. Moreover, as

discussed above, swapping shifts encompassing "acceptance" of the requested swap

by "another or second one of the employees". While Castonguay et al provide planning

and scheduling personnel, Security teaching a system allowing employees access the

host to input data or modify their schedule without needing any communication, contact

or interaction with any one of other employees. Both are analogous.

It would have been obvious to one of ordinary skill in the relevant art at the time

of Applicant's invention to incorporate Security's feature into Castonguay et al's

invention, because it would beneficially provide a system to verify consistency of user's

(employee's) action(s) with scheduling requirements including their skills or

qualifications.

Claim 18.   The method of Claim 16 wherein said creating opportunities

comprises generating sheets (as discussed above) and displaying said sheets on at

least one of an overhead display or at least one of a terminal (Castonguay et al: Col. 6,

line 11 read with col. 5, lines 46-47 and Fig. 5, col. 8, lines 3-7 and col. 2, line 2.

Applicant will appreciably realize that cited template is nothing but a sheet and the same

would be depicted (displayed) at agent workstations (Castonguay et al: Col. 5, lines 46-

47) or workstation 24 of Figs. 1 and 4 and see the discussion about use of Security's

computers, page 2, lines 59-60, both by management and employees above).

Claim 19.   The method of Claim 16 further including the steps of;

a) establishing a pool (Castonguay et al: Fig. 3 {25}, col. 6, lines 25-28, col. 5,

lines 57-63 and Fig. 8 {61}, col. 13, lines 20-21. Applicant will appreciate that

reference's organizing "team", "management units" and building "list" pointing to

"establishing" cited "list 61 or pool" to which employees would "input or post" shifts that

are available for trade using their workstations (Castonguay et al: Col. 5, lines 46-47 or

using keyboard connected to workstation 24 (Castonguay et al: Col. 6, lines 10-11) in

light of the discussion in use of Security's computers both by employees and

management above. It needs be mentioned that there is no recitation of keyboard

attached to agent workstations, however, it is considered to have one in light of the description of workstation 24 having keyboard (Castonguay et al: Col. 6, lines 9-11));

In the following element:

b) allowing the first one of the employees to post at least one of the shifts to said pool.

Castonguay et al teach:

shifts pool {as discussed above}.

Castonguay et al do not teach:

allowing the first one of the employees to post shift.

However, Security teaches the same (Page 2, lines 46-49, wherein staff entering request for swapping shifts indicating system "enabling or allowing staff or first one of the employees" wishing to "entering or posting" swapping "shifts or at least one the shifts"). While Castonguay et al provide planning and scheduling personnel, Security teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees.

It would have been obvious to one of ordinary skill in the relevant art at the time of instant invention to incorporate O'Brien's features into Castonguay et al's invention, because the combination would provide a system allowing the particular employees remote access to receive schedule for them, input data, modifying or making changes

therein on their own without any prior contact or communication with other one of the

staff or employees including fellow workers or management.

In the following element:

c) allowing the second one of the employees to accept at least one of the shifts

from said pool;

Castonguay et al teach:

Shifts pool (As discussed above).

Castonguay et al do not teach:

allowing the second one of the employees to accept a shift.

However, Security teaches the same (Page 2, lines 46-49, wherein cited staff or

employee being a generic term, encompassing any one of them including "other or

second one", as discussed above, swapping encompassing "acceptance" by said other

or second one of the staff or employee). While Castonguay et al provide planning and

scheduling personnel, Security teaching a system allowing employees access the host

to input data or modify their schedule without needing any communication, contact or

interaction with any one of other employees.

It would have been obvious to one of ordinary in the relevant art at the time of

Applicant's invention to incorporate Security's features into Castonguay et al's, because

the combination would provide a system allowing the particular employees remote

access to receive schedule for them, modify or make changes on their own without any

prior contact or communication with other ones of the employees including fellow

workers or management.

In the following element:

d) modifying said employee work schedules based on said posting to said pool

and said acceptance of shifts from said pool.

Castonguay et al tech:

Shifts pool (As discussed above).

Castonguay et al do not tech:

modifying said employee work schedules based on first employee's posting and

second employees accepting request.

However, Security teaches the same (Page 2, lines 15-55, wherein cited who or which

one of the employees altering their hours indicating "altering or modifying employees'

{first one's or second one's} hours or work hours or schedules, said altering or

modification relating to "entry or posting of swapping request by requester or first one of

the employee and acceptor or second one of the employee"). While Castonguay et al

provide planning and scheduling personnel, Security teaching a system allowing

employees access the host to input data or modify their schedule without needing any

communication, contact or interaction with any one of other employees. Both are

analogous.

It would have been obvious to one of ordinary in the relevant art at the time of

Applicant's invention to incorporate Security's features into Castonguay et al's, because

the combination would provide a system allowing the particular employees remote

access to receive schedule for them, modify or make changes on their own without any

prior contact or communication with other one of the employees including fellow workers

or management.

Claim 20.   The method of Claim 19 wherein said pool comprises a listing

stored on said database (Castonguay et al: Fig. 8 {61}, col. 13, line 21 and Fig. 4 {54 or

56}, col. 8, lines 12-13 and 19. It needs be mentioned reference's "list building" function

would be used to build or establish or create the pool list, like the one under 61, Fig. 8,

and that any of cited databases would store the same) of proposed shift changes

posted by employees (as discussed above)).

Claim 21.   The method of Claim 19 further including displaying said shifts

posted to said pool on a display for viewing by a plurality of employees (Castonguay et

al: Col. 5, lines 46-47, Fig. 1 {24 in 22a-22n}, Fig. 5, col. 8, lines 3-4, col. 2, line 49 and

discussion about use of Security's computers by both management and agents or

employees above).

Claim 23. The method of Claim 16 further including the steps of:

a) modifying said employee schedules (Castonguay et al: Col. 16, lines 12-15,

Fig. 4 {56}) in responses to an employee signing-up for said opportunities for employees

to modify their work schedule (As discussed in Applicant's claim 16c) above); and

b) storing said modified schedules in said database (Castonguay et al: Fig. 4

(56), col. 8, line 19) and discussion about use of Security's computers by both

management and agents or employees above).

Claim 25.   (Amended herein) A method for modifying a schedule to account

for changes in workload occurring after the schedule has been distributed to employees,

the method comprising at least the following:

In the following element:

a) creating a sheet having one or more slots for a work shift, each of the slots

corresponding to an offer to adjust, after the schedule has been distributed to the

employees a number of employees specified by the schedule to work during the work

shift,

Castonguay et al teach:

creating a sheet having one or more slots for a work shift (Castonguay et al: Fig.

3 (27 or 37), col. 6, 37-39, col. 7, lines 11-12, col. 8, lines 1-3, Fig. 5 (spaces/slots under

Minimum, Maximum etc. Weekly: DAYS: 5, HOURS: 40 etc., col. 8, lines 3-4, 15-19 and

Fig. 8. Applicant will appreciably realize that reference's tour template or schedule were

nothing but sheets when displayed on a workstation or output through other device(s),

like printer; and also, both template and schedule ought to have spaces/slots, like the

cited ones, users or employees would use, and Fig. 8 depicting or specifying

employees' or a number of employees, such as Light, Connie, Watters, Karen etc., and

a user would use the slots for depicting below discussed first worker request or offer to

other or second worker or employee)

Castonguay et al do not teach the undernoted feature:

an offer to adjust, after the schedule has been distributed to the employees.

However, Security teaches the same (Page 2, lines 15-25 and 46-60, wherein as

discussed above "who can alter their hours, line 19", "staff booking their leaves or swap

shifts, line 47" and system's "networked computers, PCs etc., lines 59-60 ' indicating

Security system's "allowing or enabling some of the employees or at least first one of

staff or employees or workers to enter information, such as alterations, booking leaves,

swapping {requests}, in their work rosters or schedules or part or portion thereof and

transmitting the information via the networked computers to the display monitors of

other employees {posting at least a portion of his or her own work schedule} and the

posted schedule portion sent to the second employee's monitor display representing "a

request or offer" from the first to the other or second employee or worker, and a user

would use Security's "adjusting" function for claimed purpose, and aforementioned

employees or workers posting above discussed portion of their work roster or schedule

occurring on or after receiving the work roster or schedule 12 months earlier {after

distributing work schedules}, as indicated by: workers or employees "knowing their work

rosters or schedules and work areas 12 months in advance, lines 57-58"). While

Castonguay et al provide planning and scheduling personnel, Security teaching a

system allowing employees access the host to input data or modify their schedule,

which the host would send, and generating revised schedules. The combination would

provide a system allowing the particular employees remote access to receive schedule

for them, modify or make changes on their own without any prior contact or

communication with other fellow workers or management.

It would have been obvious to one of ordinary skill in the relevant art at the time of

Applicant's invention to incorporate O'Brien's feature into Castonguay et al's invention,

because it would beneficially provide a system to amend cells (slots) and readily

generate amended or revised schedule in requisite format and as and when needed.

b) transmitting (Castonguay et al: Col. 5, lines 46-47 recited with lines 47-52, Fig.

1 {12 to 24 in 22a-22n via 26a-26n}, col. 5, lines 55-57, col. 2, lines 60-62, 63-64) said

sheet for viewing by a plurality of employees (in light of the discussion about use of

Security's computers both by management and agents or employees above, agents

(employees) would use workstations, col. 5, lines 46-47, to view the sheet which is

discussed in a) above) who may accept the offer so as to adjust the number of

employees scheduled to work during the work shift by altering his or her respective work

shift in response to the sheet (Security, page 2, lines 46-49, wherein, as discussed

above, swapping shifts encompassing "agreeing or acceptance of request or offer", and

Security teaching "accomodating or adjusting, page 2, lines 26-28" and a user would

use said accomodating or adjusting function for claimed purpose, and see motivation in

a) above);

In the following element:

c) monitoring by a signing-up to a slot on said sheet by a sign-up employee

accepting the offer (Castonguay et al: Col. 2, lines 59-62 and 65) for a sign-up (as

discussed in Applicant's claim 17 above) to a slot on said sheet (as discussed in a)

above) by a signing-up employee (Applicant will appreciate that references viewing or

monitoring functions would be used for claimed limitation in light of the discussion about

use of Security's computers by both management and agents or employees above)

accepting the offer (Castonguay et al: Fig. 5 (option YES under WORK DAYS), wherein

use of "YES" inferring the acceptance of the above discussed offer) without previous

interaction between the signing-up employee and any other employee with respect to

the slot).

upon detecting a sign-up to said sheet:

d) accepting said sign-up onto said sheet (Castonguay et al: Fig. 5 (option

YES under WORK DAYS). Applicant will appreciate that reference's "Yes" option

would be used for claimed limitation);

e) modifying said sheet to reflect said sign-up by associating the sign-up

employee with sheet after transmitting the sheet for viewing by the plurality of

employees (Castonguay et al: Col. 16, line 14 and Fig. 5, described col. 8, lines

3-7, wherein cited "modifying agent" indicating reference's teaching a "modifying"

function, which function a user would use for modifying the Fig. 5 template or

sheet and modification "relating to or associated with" any of the employees,

such as Connie Light in Fig. 8, and see discussion about "after distributing the

schedule" and "sign-up" in Applicant's claim 25c) and 25a) above);

In the following element:

f) modifying said signing-up employee's schedule to reflect said sign-up.

Castonguay et al teach:

modifying (Castonguay et al: Col. 16, line 14) said signing-up (as

discussed in Applicant's claim 16 above) employee's schedule (Fig. 3 (37), col. 7,

lines 10-12)

Castonguay et al do not teach:

"to reflect" the sign-up.

However, Security teaches the same (Page 2, lines 50-52 read with lines 23-25,

wherein cited employee's swiping Smart card, entering pin indicating his "logging in or

sign-up" and cited "adjusting roster" indicating availability of "adjusting or revising"

function, which function a user would use for adjusting or revising or modifying said

sign-up which the system would show or reflect as modified). While Castonguay et al

provide planning and scheduling personnel, Security teaching a system allowing

employees access the host to input data or modify their schedule without needing any

communication, contact or interaction with any one of other employees. Both are

analogous.

It would have been obvious to one of ordinary skill in the relevant art at the time of

Applicant's invention to include Security's feature into Castonguay et al's invention,

because the combination would provide a system allowing the particular employees

remote access to receive schedule for them, modifying or making changes to the same.

Claim 26.   The method of Claim 25 wherein creating a sheet comprises using

a computer to create a sign-up page having one or more sign-up slots (See the

discussion about "sign-up" in Applicant's claim 17 and about "creating a sheet (page)

having slots" in claim 25a) above) to increase or decrease the number of workers

scheduled to work during a particular period (Castonguay et al: Col. 1, lines 63-67 read

with lines 17-18)

Claim 27.   The method of Claim 25 wherein said sign-up comprises an

employee signing up on a slot to either work said work shift on the sheet or take off the

particular work shift on the sheet (Fig. 5 {options NO, YES, CAN under WORK DAYS}.

Option YES indicating worker would work the signed-up work shift and NO indicating

that worker would not undertake the work shift and thereby would "delete or take off"

using F6-Delete function key (Fig. 5). Also, see the discussion about use of Security's

computers both by management and agents/employees above).

In the following claim:

Claim 28.   The method of Claim 25 wherein transmitting further comprises

showing said sheet to only employees qualified to work said work shift listed on said

sheet,

Castonguay et al teach:

transmitting (As discussed above)

Castonguay et al do not show:

showing the sheet to qualified employee.

However, Security teaches the same (Page 2, lines 50-52, wherein employees swiping

individual Smart card for accessing their own files including schedules indicating said

files or schedules belonging to "only requisite individual or qualified" employee). While

Castonguay et al provide planning and scheduling personnel, Security teaching a

system allowing employees access the host to input data or modify their schedule

without needing any communication, contact or interaction with any one of other

employees.

It would have been obvious to one of ordinary skill in the art at the time of current

invention to incorporate Security's feature into the Castonguay et al's invention,

because the combination would provide a system allowing the particular employees

remote access to receive schedule for them, modifying or making changes and making

requests, such as relative to swapping shifts.

Claim 29.   The method of Claim 25 further including closing said sheet if all of

said one or more slots are filled due to sign-ups (Inherent, since final step {closing the

sheet} is taken when requisite information is entered/inserted {slots filled up}).

Claim 30.   The method of Claim 25 wherein posting comprises displaying said

sheet on at least one over head display or making said sheet available via an employee

interface (Castonguay et al: Col. 5, lines 46-47. It needs be mentioned that cited agent

(employee) workstations would be equipped with a display device at least in light of

recited embodiment of workstations 24 (Col. 6, lines 10-11). A user would use the agent

workstations for claimed purpose. Also, agent workstations when mounted on a bracket,

wall etc. would function as overhead display).

Claim 31.   (Amended herein) A method for employees to at least initiate at

least one change to their work schedule after distribution of the work schedule to the

employees using a scheduling system, the method comprising at least the following:

b) enabling the first employee to set a post period parameter associated with the

posted portion of his or her work schedule, wherein the post period parameter specifies

how long the posted portion of the work schedule is made available for acceptance by

the second employee (See discussion of Applicant's claim 1c) above).

c) posting said proposed shift trade to a shift pool, said shift pool configured to

accept responses to said posting from other employees (See discussion of Applicant's

claim 19b) and 19c) above. In regard to □other employees□ the posting and accepting

functions discussed in 19b) and 19c) would be used by any of the employees including

one particular and rest of them, say one particular one (Castonguay et al: Fig. 8 Light,

Connie) and remaining {other} employees {Watters, Karen through Stankey, John});

d) displaying said shift pool to a plurality of other employees (Castonguay et al:

Col. 5, lines 46-47, Fig. 1 {24}, col. 5, lines 55-57, Fig. 10 {102}, col. 16, lines 20-23.

Applicant will appreciate that a user would use agent workstations (col. 5, lines 46-47)

as well as workstations 24 in light of the discussion about the use of Security's

computers both by management and agents or employees for depicting or displaying

the shift pool to employees under consideration as per discussion about "other

employees" above);

e) monitoring (Castonguay et al: Col. 2, lines 59-62 and 65) said shift pool (See

discussion about shift pool in Applicant's claim 19a) above) for a response from at least

the second employee to accept said proposed shift trade (Castonguay et al: Fig. 5

{option YES under WORK DAYS} and col. 14, lines 25-26. Applicant will appreciate that

option "Yes" when clicked (or entered) by an agent or

employee, result would indicate the response of the employee or agent. Regarding

employee "accepting", see the discussion of Applicant's claim 25b) above).

Furthermore, a user would use reference's "monitoring" function for monitoring

response from the accepting employees. Finally, regarding employees using

Castonguay et al's system, see discussion of Security's computers used both by

management and employees above); and

whereby upon receiving said response, said method:

f) accepts said response by evaluating whether the at least second employee is

qualified to work the portion of the shift offered by the first one of the employees (See

discussion of Applicant's claim 17 above);

g) updates the work schedules of said first one of employees and said second

one of the employees (Castonguay et al: Col. 4, lines 23-26 read with Fig. 4 (56), col. 8,

lines 17-19. Applicant will appreciate that referenced "update" function would be used

for claimed limitation/purpose) to reflect the proposed shift trade, the updating occurring

without previous direct interaction between the first one of the employees and any other

of the employees with respect to the proposed shift trade (See discussion of Applicant's

claim 1c) above and also the motivation); and

h) removes said proposed shift trade from said shift pool (Castonguay et al: Col.

4, lines 1-3, Fig. 5 {F6- Delete}. It needs be mentioned that a user would use edit with

delete function or Fig. 5's delete function to delete/remove the claimed shift trade from

the shift pool. For discussion about "shift trade" and "shift pool" see the discussion of

Applicant's claims 31a) and 19a) above).

In the following element:

a) creating a proposed shift trade after distribution of the work schedule, in which

proposed shift trade a first one of the employees posts at least a portion of a work shift

to which the first one of the employees is assigned by the work schedule {for

acceptance by at least a second one of the employees, said proposed shift trade

including at least posting employee shift information regarding shift hours and shift date;

Castonguay et al teach:

generating (creating) work shifts or tours for agents of a work place (Col. 2, lines

48-49, col. 7, lines 10-12 and col. 8, lines 8-9 recited with lines 17-19). A user would use

reference's generating (creating) function for claimed purpose, and employee shift

information includes shift hours and dates (Fig. 5 (Hours, Days), col. 8, lines 3-4).

Castonguay et al do not teach:

after distribution of the work schedule, in which proposed shift trade a first one of

the employees offers at least a portion of a work shift to which the first one of the

employees is assigned by the work schedule, said proposed shift trade including at

least posting employee shift information regarding shift hours and shift date, and

acceptance by at least one second employee (See discussion in Applicant's

claim 1c) above).

However, Security teaches the same (Page 2, lines 50-52 recited with lines 46-49,

wherein cited employees knowing their shifts 12 months in advance indicating that cited

swapping shifts requests, lines 46-47, are made "after distribution of the work schedule"

and "employee's (first one) swapping shift" inferring "offer proposed shift trade" in whole

or part {at least a portion}. While Castonguay et al provide planning and scheduling

personnel, Security teaching a system allowing employees access the host to input data

or modify their schedule without needing any communication, contact or interaction with

any one of other employees.

It would have been obvious to one of ordinary skill in the relevant art at the time of

Applicant's invention to include Security's feature into Castonguay et al's invention,

because the combination would provide a system allowing the particular employees

remote access to receive schedule for them, modifying or making changes and making

requests, such as relative swapping the shifts.

Claim 32.   The method of Claim 31 wherein said shift pool comprises a listing

of proposed shift trades that can be viewed by employees seeking to modify their

schedule (Castonguay et al: Fig. 5 {Title: TOUR TEMPLATE}, col. 2, lines 48-50, col.

13, lines 20-21 col. 16, lines 14-15. Reference's "building agent list" function would be

used for creating the listing of proposed shift trades. Furthermore, reference's agent

workstations (Col. 5, lines 46-47) would be used to employees viewing the listing and

"modify" function would be used to modify employees' schedule).

Claim 33.   The method of Claim 31 wherein said posting allows other

employees to view and sign-up for said proposed shift trade (Castonguay et al: Col. 2,

lines 59-62. Applicant will appreciate that references view function would be used for

claimed purpose).

Claim 34.   The method of Claim 31 further including the step of displaying to

an employee on an employee interface only the proposed shift trades that said

employee on an employee interface is qualified to perform (Castonguay et al: Col. 2,

lines 65-66 and Fig. 1 {24}, col. 5, lines 55-57. Applicant will appreciate that display

function would be used for claimed limitation).

Claim 35.   The method of Claim 31 wherein creating a proposed shift trade

comprises:

a) logging onto said scheduling system at an employee interface (Inherent, since

log in is the first basic step for any computer user); and

b) selecting which shift hours of a proposed shift trade said posting employee

desires to post (Castonguay et al: Col. 18, lines 51-54, Fig. 5 {HOURS: 40:00 etc.}.

Applicant will appreciate that reference's choosing or select function would be used for

claimed purpose).

Claim 44.   A scheduling apparatus for creating and displaying a work schedule

and for enabling ones of the employees at least to propose changes to the work

schedule after the work schedule is distributed, the scheduling apparatus comprising:

a) means for creating a schedule for each of a plurality of employees

(Castonguay et al: Fig. 3 {37}, col. 7, lines 11-12, Fig. 4 {54}, col. 8, lines 17-19);

b) means for storing said schedule as schedule data (Castonguay et al: Fig. 4

{56}, col. 8, lines 17-19);

c) means for allowing said employees to view said schedule data at a remote

location (Castonguay et al: Fig. 4 {24}, col. 5, lines 55-57, col. 2 lines 59-62 and 65-66,

col. 5, lines 64-66);

d) means for retrieving said schedule data from said means for storing

(Castonguay et al: Fig. 1 {24 in 22a-22n}, col. 5, lines 55-57, Fig. 4 {24

retrieving/receiving schedule data from 56} as indicated by bidirectional arrow); and

e) means for displaying said schedule data to at least one of said employees at

said remote location (Castonguay et al: Fig. 1 {24 in 22a-22n}, col. 2, lines 63-66, col. 5,

lines 55-57, Fig. 4 {24});

In the following element:

f) means for enabling at least a first one of said employees to post at least a

portion of his or her own respective schedule data for acceptance by at least a second

one of the employees after distribution of the schedule data to the employees (See

discussion of Applicant's claim 1c) above); and

g) means for the first employee to set a post period parameter associated with

the posted portion of his or her work schedule, wherein the post period parameter

specifies how long the posted portion of the work schedule are made available for

acceptance by the second employee (See discussion of Applicant's claim 1c) above).

Claim 46.   The scheduling apparatus of Claim 44 further including means for

posting one or more sheets (Castonguay et al: Fig. 3 {27 or 37}, col. 6, lines 37-39, col.

7, lines 11-12, Fig. 5, Fig. 1 {2}, col. 2, lines 63-64) for display to said employees

(Castonguay et al: Col. 2, lines 63-64), whereby said one or more sheets comprise a

request to employees to optionally sign-up for increased or decreased work hours as

specified on said one or more sheets (Castonguay et al: Col. 2, line 53 {preferences},

wherein cited preferences encompassing entering or signing any number of hours

including "more or increased or less or decreased hours". Applicant will appreciate that

system's generating function would produce or generate more than one "templates or

schedules or sheets" and display or post, and which would provide function keys, like

F3, F4, F6, Fig. 5, icons/buttons to facilitate employees' entering or sign-up).

Claim 47.   The scheduling apparatus of Claim 44 further including means for

posting employee initiated shift trade requests for viewing and sign-up by said one or

more employees (Castonguay et al: Fig. 3 {27 or 37}, col. 6, lines 37-39, col. 7, lines 11-

12, Fig. 5, Fig. 1 {24}, col. 2, lines 63-64 and col. 2, lines 59-62).

Claim 48.   The scheduling apparatus of Claim 44 further including means for

comparing (Castonguay et al: Col. 7, lines 63-64 and Fig. 8 {61, 66}, col. 13, lines 21

and 66 through col. 14, line 15) schedule data regarding employees that are scheduled

to be working and worker status data regarding employees that are actually at work to

determine which employees are scheduled but not working (Castonguay et al: Col. 14,

{Table: Overtime}. It needs be mentioned that "overtime" is "unscheduled/not

scheduled" presence at work of a worker).

Claim 49.   (Amended herein) A computer program product comprising a

computer usable medium having computer program logic recorded thereon

(Castonguay et al: Fig. 1 {16, 18}, the databases comprise devices, such as HD, CD,

Diskette etc. as storage means which have programs recorded thereon) for providing an

automated employee schedule distribution system for use by an entity to distribute

employee schedules, and to thereafter to assist in the modification of employee

schedules in response to changes in anticipated workload occurring after distribution of

the employee schedules to the employees, said computer usable medium comprising at

least the following:

a) computer program code logic configured to store schedule data on a storage

medium (Castonguay et al: Col. 13, lines 48-49, Fig. 4 {56}, col. 8, lines 17-19), wherein

said schedule data comprises the work schedules of a plurality of employees

(Castonguay et al: Figs. 5 and 8, col. 8, lines 3-4 and col. 13, lines 20-21);

b) computer program code logic configured to monitor (Castonguay et al: Col. 13,

lines 48-49, col. 2, lines 63-66), for requests for said employee schedules from

employees at employee interfaces (Col. 5, lines 46-47 and 52. A user would use

reference's "monitoring" program or function for claimed purpose in light of discussion

about use of Security's computers both by management and employees above);

c) computer program code logic configured to transmit said employee schedule

to said employee interface (Castonguay et al: Col. 13, lines 48-49 and 52, col. 5, lines

55-57, Fig. 4 {56} sending or transmitting data to agent or employee workstations (Col.

5, lines 46-47) or to workstations 24 as indicated by bidirectional arrow in light of

discussion about use of Security's computers both by management and employees

above);

d) computer program code logic configured to allow for establishment of at least

one sheet containing respective slots (Castonguay et al: Col. 13, lines 48-49 and

discussion in Applicant's claim 25a) above), for employees to sign up for additional or

reduced hours (See discussion in Applicant's claim 17 above)), each of the slots

corresponding to an offer to adjust a number of employees specified by the previously

distributed schedule to work during the work shift (See discussion of Applicant's claim

25a) above) without previous interaction between the employees with respect to the

respective slots (See discussion of Applicant's claim 1c) above wherein neither would

have communication or contact or interaction relative or with respect to requisite or

respective slots and also see the motivation);

e) computer program code logic configured to display said at least one sheet to

at least one employee (Castonguay et al: Col. 13, lines 48-49, col. 5, lines 46-47 or Fig.

1 {24 in 22a-22n}, col. 5, lines 55-57 and 63-64 and Fig. 5, col. 8, lines 3-4. Reference's

"tour sheet" points to claimed "sheet". See discussion about use of management

workstations 24 by employees above), who may accept the offer so as to alter his or her

respective work shift in response to the sheet (See discussion in Applicant's claim 1c)

above); and

f) computer program code logic configured to accept a sign-up by the employee

to said at least one sheet by associating the employee with the sheet after displaying

the sheet for viewing by the employee (Castonguay et al: Col. 13, lines 48-49, Fig. 5

{option YES under WORK DAYS} and a user would use reference's "Yes" option as an

indication of users' or employees' acceptance. Regarding use of reference's system by

both management and agents or employees, see discussion above).

Claim 50.   The computer program product of Claim 49 wherein said storage

medium comprises a hard disk drive (Castonguay et al: Fig. 1 {16, 18} or Fig. 4 {any of

48, 53, 56}, either database would comprise storage means/device including HD).

Claim 51.   The computer program product of Claim 49 further including computer program code logic configured to allow a posting employee to post proposed shift trades to a shift pool (See the discussion of Applicant's claim 31b) above).

Claim 52.   The computer program product of Claim 51 further including computer program code logic configured to display said shift pool so that employees other than posting employees can view said proposed shift trades and sign-up to work shifts in said shift pool of proposed shift trades (See discussion of Applicant's claim 31c) above).

Claim 56.   The method of claim 25, further comprising offering the employees an incentive to accept the slots on the sheet (Castonguay et al: Col. 14, line: "overtime type 2" representing claimed "incentive" an employer providing or offering to employees).

Claim 57.   The method of claim 49, further comprising computer program code logic configured to offer the employees an incentive to accept the slots on the sheet (See discussion about computer logic in Applicant's claim 49 and incentive in claim 56 above).

Claim 58.   A method for modifying a schedule to account for changes in workload occurring after the schedule has been distributed to employees, the method comprising at least the following:

a) creating a sheet having one or more slots for a work shih, each of the slots corresponding to an offer to adjust, after the schedule has been distributed to the employees, a number of employees specified by the schedule to work during the work shift (See discussion of Applicant's claim 25a) above);

b) transmitting said sheet for viewing by a plurality of employees who may accept the offer so as to adjust the number of employees scheduled to work during the work shift (See discussion of Applicant's claim 25b) above);

c) offering the employees an incentive to accept the slots on the sheet (See discussion of Applicant's claim 56 above);

d) monitoring for a sign-up to a slot on said sheet by a signing-up employee accepting the offer (See discussion of Applicant's claim 25c) above); and

upon detecting a sign-up to said sheet:

e) accepting said sign-up onto said sheet (See discussion of Applicant's claim 25d) above);

f) modifying said sheet to reflect said sign-up (See discussion of Applicant's claim 25e) above);

g) modifying said signing-up employee's schedule to reflect said sir-up (See discussion of Applicant's claim 25f) above).

Claim 59.   The method of claim 58, further comprising associating the siring-up employee with the sheet after transmitting the sheet for viewing by the employees (See discussion of Applicant's claim 25e) above).

6.   Claims 4, 7 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castonguay et al (US Patent 5,911,134) in view of Security and further in view of Bonner et al (US Patent 5,842,182).

In the following claim:

Claim 4.   The system of Claim 1 further including an attendance module configured to utilize said data representing the work schedules and data regarding which workers are present in the work place to determine worker attendance.

Castonguay et al teach:

data representing the work schedules and data regarding workers (Fig. 8 {60 and 61}, where 60 depicting "work schedule(s) or data representing work schedules" and entries under 61, are data relating to or regarding agents or workers).

Castonguay et al and Security do not teach:

an attendance module.

However, Bonner et al teach the same (Fig. 1 {12}, Col. 3, lines 13-20). While Castonguay et al provide planning and scheduling personnel, Security teaching a system allowing employees access the host to input data or modify their schedule and Bonner et al deal with time and attendance reporting system. The combination would

provide a system allowing the particular employees remote access to receive schedule

for them, modify or make changes and enter their requisite work attendance time.

It would have been obvious to one of ordinary skill in the relevant art at the time of

instant invention to include Bonner et al's feature into the combination of Security and

Castonguay et al's invention, thereby providing a function or module, which is a

fundamental requisite for any organization having workers or employees.

In the undernoted claim:

Claim 7.   The employee interface of Claim 6 wherein said employee interface

further includes a printer.

Castonguay et al teach:

employee interface (Col. 5, lines 45-47, wherein "agent work station"

representing "employee interface".

Castonguay et al do not teach:

printer.

However, Bonner et al teach the same (Col. 3, lines 32-34). While Castonguay et al

provide planning and scheduling personnel, Security teaching a system allowing

employees access the host to input data or modify their schedule without needing any

communication, contact or interaction with any one of other employees and Bonner et al

providing a system including printing means and Bonner et al teach system comprising

printer. The combination would provide a system allowing the particular employees

remote access to receive schedule for them, modify or make changes and facilitating to

provide a hard copy.

It would have been obvious to one of ordinary skill in the relevant art at the time of

applicant's invention to incorporate Bonner et al's feature into the combination of

Security and Castonguay et al's invention, because it would facilitate to advantageously

employ/use the prevalent device/means for printing.

In the undermentioned claim:

Claim 45.   The scheduling apparatus of Claim 44, further including means for

printing said schedule upon request of one of said employees.

Castonguay et al teach:

scheduling apparatus (Col. 6, lines 23-25, wherein cited "scheduling method"

inferring provision of "scheduling means or apparatus").

Castonguay et al do not show:

means for printing.

However, Bonner et al teach the same (Fig. 1 {22}, col. 3, lines 33-34. It needs be

mentioned that printing means would print the schedule on user/employee's request).

While Castonguay et al provide planning and scheduling personnel, Security teaching a

system allowing employees access the host to input data or modify their schedule

without needing any communication, contact or interaction with any one of other

employees and Bonner et al providing a system including printing means. The

combination would provide a system allowing the particular employees remote access

to receive schedule for them, modify or make changes and facilitating to provide a hard

copy.

It would have been obvious to one of ordinary skill in the relevant art at the time of

applicant's invention to incorporate Bonner et al's printing means into the combination of

Security and Castonguay et al's invention, because it would facilitate to advantageously

employ/use the available device/means for printing.

7.   Claims 8-12, 14, 15, 22 and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Castonguay et al (US Patent 5,911,134) in view of Client/server:

HR's Helping Hand? (hereinafter HR) and further in view of Security.

Castonguay et al teach:

Claim 8.   A system to distribute a work schedule to a work force and allow for

modifications to said work schedule (Castonguay et al: Col. 2, lines 59-62, col. 16, lines

12-15), comprising:

a) at least one data storage device to store schedule data (Castonguay et al: Fig.

4 {56}, col. 8, line 19);

b) at least one computing device in communication (Castonguay et al: Fig. 1 {24,

12}, col. 5, lines 55-57, col. 6, lines 8-15, claim 1, col. 20, lines 58-60, 63-64) with said

at least one data storage device to organize, oversee distribution, and enable at least a

first one of the employees to initiate at least one modification to his or her own

respective schedule data (Claim 1, elements a-d (specifically col. 20, line 61, col. 21,

lines 10-21), col. 22, lines 6-7); and

In the following element:

c) at least one kiosk located remote from said computing device and in communication with said computing device to provide an interface for the first one of the employees to view his or her work schedule, to post at least a portion of his or her own work schedule for acceptance by at least a second one of the employees after distribution of the work schedule to the employees, and to enable the first employee to set a post period parameter associated with the posted portion of his or her work schedule, wherein the post period parameter specifies how long the posted portion of the work schedule is made available for acceptance by the second employee.

Castonguay et al teach:

computing device having communication means (Fig. 1 {12 communicating with 24 in 22a-22n via links 26a-26n) and the first one of the employees to view his or her work schedule or to initiate changes to his her own work schedule after distribution of the work schedule (See discussion of in Applicant's claim 1c) above)

Castonguay do not teach:

kiosk useable to propose changes.

However, HR teaches kiosk (Page 2, para III, lines 2-6, page 3, para II, lines 3-12, para V, lines 6-10) and the kiosk allows employees to update their own records (page 2, para III, line 3. Moreover, HR teaches "adding" and "altering" as well as "generating" functions (Page 3, para II, lines 10-12). HR also teaches "routing proposals" (Page 2, para III, lines 5-6). Applicant will appreciate that in the cited recitation, there is a suggestion that HR did have the functionality of generating or creating some kind of

proposal before it were routed. A user or above discussed agent or employee or worker would use reference's "adding", "altering' and "generating" functions for making proposal or proposing additions or alterations to their schedules taught by Castonguay et al. While Castonguay et al provide planning and scheduling personnel, HR teaches a system comprising a kiosk. The combination would provide a system facilitating availability of means at various places or locations.

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate HR's kiosk into Castonguay et al's invention, because it would facilitate to advantageously employ/use the available devices/means and function thereof at various locations or places.

Castonguay et al and HR do not teach:

to enable the first employee to set a post period parameter associated with the posted portion of his or her work schedule, wherein the post period parameter specifies how long the posted portion of the work schedule is made available for acceptance by the second employee.

However, Security teaches the same (See discussion of Applicant's claim 1c) above).

Claim 9.   The system of Claim 8 wherein said at least one kiosk includes a display and user interface software (Inherent, since a display and software are essential elements of a kiosk).

Claim 10.   The system of Claim 8 further including an overhead display monitor in communication with said computing device to display schedule information to a plurality of workers (Inherent, either Castonguay et al's workstation 24 or HR's Kiosk, when mounted on a bracket/wall would function as overhead display monitor and would communicate with either systems central or other computers).

Claim 11.   The system of Claim 8 further including an interface with an activity monitoring device (Castonguay et al: Col. 2, lines 59-63. It needs be mentioned that monitoring function would be stored/recorded on some storage/recording medium, such as16 or 18) in communication with said computing device to determine the presence of a worker {activity} at a place of work (Castonguay et al: Fig. 1 {24 in 22a-22n communicating with 12 via 26a-26n}).

Claim 12.   The system of Claim 8 further including an interface with an activity monitoring device (Castonguay et al: Col. 2, lines 59-63 as explained above and col. 3, lines 6-8) in communication with said computing device to checking or monitoring the presence of a worker (activity) at a place of work).

Claim 14.   The system of Claim 8 wherein said kiosk comprises a networked computer having software configured to provide an employee interface (Inherent, since kiosk has to communicate with a remote computer, it has to have networking capability and software essential for its functioning).

Claim 15.   The system of Claim 8 wherein said data storage device comprises

a hard disk drive (Inherent, since a computer has to have some kind of storage

including HD).

In the following claim:

Claim 22.   The method of Claim 16 wherein said one or more terminals

comprise one or more overhead display monitors and one or more kiosks.

Castonguay et al teach:

one or more terminals (Castonguay et al: Col. 5, lines 46-46, Fig. 1 {24s in 22a-

22n}. It needs be mentioned that when workstations/monitors mounted on a

bracket/wall, would function as overhead displays).

Castonguay et al do not teach:

kiosks.

However, HR teaches the same (Page 2, para 2, line 2). While Castonguay et al provide

planning and scheduling personnel, HR teaches a system comprising a kiosk. The

combination would provide a system facilitating availability of means at various places

or locations.

It would have been obvious to one of ordinary skill in the relevant art at the time of

applicant's invention to incorporate Bonner et al's printing means into Castonguay et

al's invention, because it would facilitate to advantageously employ/use the prevalent

device/means at various locations or places.

Claim 24.   The method of Claim 18, wherein said terminal comprises a kiosk

(Please see discussion of applicant's claim 22 above).

8.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Castonguay et al (US Patent 5,911,134) in view of Client/server: HR's Helping Hand?

(hereinafter HR) and in further view of Bonner et al (US Patent 5,842,182).

In the following claim:

The system of claim 11 wherein said monitoring device comprises an

electronic time clock.

Both Castonguay et al and HR do not teach:

electronic time clock.

However, Bonner et al teach the same (Fig. 2 {32}, col. 3, lines 36-38). While

Castonguay et al provide planning and scheduling personnel, HR dealing with a system

comprising kiosk, Bonner et al providing a system including time recording means. The

combination would provide a system allowing the particular employees remote access

to receive schedule for them, modify or make changes, allowing entering attendance

time and facilitating to provide a hard copy.

It would have been obvious to one of ordinary skill in the relevant art at the time of

applicant's invention to incorporate Bonner et al's printing means into Castonguay et

al's invention, because it would facilitate to advantageously employ/use the

device/means in practice and thereby providing means for timekeeping which is an

essential element to an organization having workers or employees.

Response to Arguments

9.   Applicant's arguments filed November 01, 2004 have been fully considered and

since the arguments relating to newly added features, Applicant is requested to peruse

the citations provided at respective places in the instant Office Action.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to M. Irshadullah whose telephone number is 703-308-

6683. The examiner can normally be reached Monday-Friday from 10:00 a.m. to 6:00

p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

M. Irshadullah

January 31, 2005

Susanna Diaz

SUSANNA M. DIAZ
PRIMARY EXAMINER

AU 3623